

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

BOBBY JOE KELLY,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-10-109
	§	
RICK THALER; aka QUARTERMAN,	§	
	§	
Respondent.	§	


**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION TO
GRANT RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

On July 16, 2010, United States Magistrate Judge Brian L. Owsley signed a memorandum and recommendation recommending that respondent's motion for summary judgment, (D.E. 8), be granted; that petitioner's habeas petition, (D.E. 1), be dismissed; and that petitioner be denied a certificate of appealability. Petitioner filed no objections to the memorandum and recommendation but instead filed a notice of appeal. Therefore, seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that respondent's motion for summary judgment is granted and petitioner's habeas petition is dismissed. Certificate of appealability is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 7th day of September, 2010.



Janis Graham Jack
United States District Judge